

Town of Mashpee

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Planning Board Minutes 05-20-2015

Mashpee Planning Board

Minutes of Meeting

May 20, 2015 at 7:00 p.m.

Wauquoit Meeting Room, Mashpee Town Hall

Approved 6/3/15

Planning Board Members Present: Vice Chairman Mary Waygan, Dennis Balzarini, Joe Cummings, David Kooharian, Robert Hansen

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

Absent: Chairman George Petersen

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Wauquoit Meeting Room at Mashpee Town Hall by Vice Chairman Waygan at 7:03 p.m. on Wednesday, May 20, 2015 and the Pledge of Allegiance was recited. Associate Member, Mr. Hansen, was present to provide the necessary five votes for the Special Permit.

APPROVAL OF MINUTES—May 6, 2015

MOTION: Mr. Balzarini made a motion to accept the minutes of May 6th as written. Mr. Kooharian seconded the motion. 4 yes, 1 abstain

SPECIAL PERMIT

Applicant: Stuart Bornstein, dba Cape Cod Custom Car Storage, LLC

Location: 104 Falmouth Road

Request: Signature of Special Permit Modification approved on 4/16/2015

Voting Board members signed the Special Permit Modification.

PUBLIC HEARINGS

7:10 Applicant: Mashpee EDIC

Location: 117 Industrial Drive

Request: Approval of re-subdivision of 1 lot on Industrial Drive Extension

The appointed time having arrived, the Vice Chair opened the public hearing and read for the record the notice.

Tom Bunker, BSS Design, was in attendance at the meeting to present the applicant's request. Mr. Fudala reported that ownership of the parcel had changed since the application had been filed and was now owned by H&W Realty, LLC. Mr. Bunker reported that the lot had been created in 2000 as a short cul-de-sac off of Industrial Drive with a T turnaround. A 75 foot setback would require a building far into the lot. The applicant has requested permission to shorten the roadway to allow the building to move 30 feet closer to Industrial Drive, allowing for parking in the back of the building. The T turnaround would offer the same drainage, same radius and same frontage. Mr. Bunker pointed out that the cul-de-sac was actually a driveway to the building. The Plan/Design Review Committee approved the request due to locating parking behind the building and further from the homes.

Mr. Balzarini inquired about drainage for the project and Mr. Rowley responded that due to grading there should be no impact to Industrial Drive. Chairman Waygan inquired whether there was a subdivision plan to review and Mr. Fudala indicated that it had not been provided. Plans were provided for review. There was discussion regarding the drainage system. Mr. Rowley recommended that the two drainage systems be isolated. Mr. Fudala noted that it would be reviewed by the ZBA.

Mr. Rowley summarized his May 20 letter regarding the application. Mr. Rowley referenced the need for the street layout to be bounded and added that regulations required 3.5 inches of asphalt whereas the plan depicted just 3 inches. Arrows needed to be corrected and the waiver also needed to be corrected. Road base material must be defined and the cross section of the waterway needed to be laid out and stone in the bioswale identified. Mr.

Bunker responded that the applicant would be willing to make the necessary changes. The correction to the waiver must read 60 feet to 50 feet.

Mr. Cummings reported that Plan/Design Review recommended fencing around the dumpster and relocation of the dumpster. Mr. Bunker confirmed that the dumpster had been relocated away from the building and included an enclosure. There was also a question about chipper use during the weekend. Realtor Steve Madda reported that the new owners planned not to chip or screen on Sundays, with sporadic usage on Saturdays.

Mr. Fudala referenced a letter received from Building Inspector Mike Mendoza and read a note regarding the approval of the landscape plan. Mr. Fudala noted that a road covenant would be needed with plans. Mr. Bunker noted that the roadway was part of the site plan but was basically a driveway. Mr. Fudala responded that it was a subdivision road. Mr. Fudala indicated that a provisional vote could be taken that would fulfill Mr. Rowley's recommendations and the provision of a covenant. Vice Chair Waygan referenced the second paragraph of the Building Commissioner's letter and modification to allow the building and activity but Mr. Fudala responded that the Planning Board could address only the subdivision.

The public was invited to comment. Shari Bergeron, Treasurer of the abutting homeowners' association, expressed interest in the plans as they received only a letter regarding the project. The Vice Chair noted that the Planning Board could address only the lines of the property. There was discussion regarding the 4 acres owned by the Association that abutted the property. Clarifications to the plan were provided. There was no additional public comment.

MOTION: Mr. Balzarini made a motion to close the public hearing. Mr. Kooharian seconded the motion. All voted unanimously.

Two waivers had been requested regarding the radius and change from a circular turnaround to a T turnaround. Mr. Rowley stated that the T turnaround would be acceptable provided the property was to be used as shown on the plan.

MOTION: Mr. Balzarini made a motion to reduce a radius from 60 to 50 feet. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to construct a paved T instead of a paved circle. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to approve the Definitive Subdivision Plan dated April 15, 2015 on the condition that a new road covenant is issued and the six items in the letter from Charles Rowley dated May 20, 2015 to the Planning Board regarding this matter are incorporated into the plan. Mr. Kooharian seconded the motion. All voted unanimously.

7:20 Applicant: SGFS Realty Trust / John Slavinsky et. al. Trustees
Location: 424 Whittings Road (845 Falmouth Road), Assessors' Map 87, Block 7
Request: Definitive Plan approval for 3-lot cluster subdivision
ALSO: Request for waiver of Review and Inspection fees.

7:20 Applicant: SGFS Realty Trust / John Slavinsky et. al. Trustees
Location: 424 Whittings Road (fronts on Falmouth Road), Assessors' Map 87, Block 7
Request: Special Permit approval for 3-lot cluster subdivision (continued from 4-15-15)

The Vice Chair read for the record the public hearing notice. The Vice Chair designated Mr. Hansen to sit as a voting member on the request. Matt Costa of Cape & Islands Engineering was present to represent the project proponent. Mr. Costa described the parcel located at 424 Whittings Road and the applicant's request for an approval for a two-lot subdivision. Mr. Costa stated that a road would not be created but proposed frontage to be used along Route 28 as access, adding that open space had been located at the back of the property abutting conservation land.

Mr. Hansen inquired whether two separate driveways were being proposed and Mr. Costa confirmed that they would be requesting two curb cuts from Mass Highway for the two separate lots. Mr. Cummings stated that the

Fire Department had issue with backing out into Route 28. Mr. Costa responded that he had provided additional information to the Fire Department, including the location of a nearby fire hydrant and the layout of the lots, adding that the project would meet the zoning bylaws for fire protection. Mr. Balzarini inquired about two curb cuts within 200 feet and Mr. Costa responded that it would be eligible as a residential dwelling. Mr. Fudala stated that the request was a Special Permit that would be intended for a single building lot but that the cluster zoning bylaw was being utilized to create two building lots, using Route 28, so as not to have to meet the zoning bylaw requiring 150 foot frontage for each lot. Plan/Design Review comments were provided to Board members. Board members referenced the busy location of the parcel and Mr. Costa responded that the site distance was up to 300 feet at that location.

Mr. Rowley suggested that Mr. Costa may not have addressed the Fire Chief's concerns as it was not the location of the fire hydrant but the issue of a Fire Department vehicle backing into Route 28 because the truck may need closer access to the house. Mr. Balzarini requested more information from the Fire Chief. Vice Chairman Waygan indicated that she would support a shared entrance with a safe turnaround for the Fire Department. The Vice Chair referenced other shared driveway scenarios. Mr. Costa indicated that easements would be needed for a shared driveway. Mr. Balzarini suggested a split driveway providing a T for the fire trucks and owners. Mr. Hansen agreed that 100 foot frontage could make it difficult on a busy road and agreed to the idea of a shared driveway with turnaround. Mr. Cummings added that Plan/Design Review noted that the project did not meet the frontage requirement and concern was expressed regarding backing into Route 28. Mr. Cummings suggested that if the Planning Board was being asked to subdivide the lot then the applicant should be willing to make adjustments to the driveway. Mr. Balzarini agreed that the driveway needed to accommodate the Fire Department or he would not approve the project. Mr. Kooharian agreed that the Fire Department needed to be accommodated. The Vice Chair stated that subdividing the lot would create open space, which offered a great benefit. Mr. Costa confirmed that the ownership of the open space would remain private for the time being and Mr. Fudala stated that it needed to be specified. Mr. Costa indicated that requirements of the bylaw would be met.

Mr. Fudala reported that comments from Plan/Design Review included Chief Rullo's request for a turnaround, so design plans would need to be submitted with a sign off from the Chief. Mr. Rowley pointed out that Melissa Avenue was developed as a shared driveway and turnaround meeting the requirements of the Fire Department at that time, and could serve as an example for the project proponent.

Mr. Costa requested a continuance. Mr. Fudala inquired about a fee waiver request. Mr. Rowley noted that he was required to inspect the construction of the driveway at Melissa Avenue. There was no public comment.

MOTION: Mr. Balzarini made a motion to continue both public hearings to June 3 at 7:10 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

DEFINITIVE SUBDIVISION PLAN

Applicant: Prime Properties Limited Partnership

Location: Country Club Lane, off Old Barnstable Road

Request: Acceptance of plans for road design changes to Country Club Lane authorized 4/2/2014

Mr. Fudala stated that the Board had reviewed the latest version and authorized Mr. Rowley to determine the changes. Mr. Rowley reported that good soil testing results had been received and adjustments were being made.

Mr. Rowley was awaiting the final results.

BOARD ITEMS

New Business

Board Reorganization-The Vice Chair inquired whether Mr. Balzarini would serve as the nominating committee by contacting each member regarding their interest in serving on the Board. Reorganization would take place June 17.

Planning Board Authorized Signatures-Board members signed the signature page to be provided to the Registry of Deeds.

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-No update

MMR Military Civilian Community Council-Update of MMR Joint Land Use

Study-No update

Design Review Committee-As reported previously

Environmental Oversight Committee-No update

Community Preservation Committee-The Vice Chair referenced work taking place across the street from Town Hall.

Historic District Commission-Mr. Fudala reported that a roof replacement and bathroom to be added to the Indian Museum was exempted under the regulations as the roofing materials would be the same as existing and the bathroom was an interior addition.

WATERWAYS LICENSE

CORRESPONDENCE

- SouthCape Village December 2014 WWTP discharge monitoring report N=8.1
- SouthCape Village January 2015 WWTP discharge monitoring report N=10.7
- SouthCape Village February 2015 WWTP discharge monitoring report N=5.8
- SouthCape Village March 2015 WWTP discharge monitoring report N=7.8 –The Vice Chair recommended inviting SouthCape Village to the June 17 meeting to assess whether additional modifications to the system would be needed.
- Environmental Notification Form – Bank Stabilization @ 118, 124 & 126 Shore Drive West
- CCC Hearing Notice – Development Agreement for South Sandwich Village Sports & Convention Complex-Good feedback has been received regarding the proposed development.

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Charles Rowley 5/20/15 Letter Regarding Reconfiguration of Industrial Drive
- Building Commissioner 5/20/15 Industrial Drive Letter
- 117 Industrial Drive Grading & Drainage Plan
- SGFS Realty Trust, 424 Whittings Road Design Sequence
- Plan/Design Review Whittings Road Notes